

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 13-00237-01-CR-W-DW
)	
JAMES A. YOKUM,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 12, 2013, a Criminal Complaint was filed against defendant James A. Yokum. On June 20, 2013, the Grand Jury returned a one-count indictment against defendant Yokum. The Indictment charges that on June 11, 2013, defendant Yokum, did knowingly by force, violence or intimidation, take from the person and presence of Amanda Edwards, a teller at First Federal Bank, and others, money in the amount of approximately \$600.00, belonging to and in the care, custody, control, management and possession of First Federal Bank, a financial institution the accounts of which were then insured by the FDIC.

On July 25, 2013, defense counsel filed a Motion for Determination of Competency requesting that defendant Yokum undergo an examination and that a report be filed with the Court concerning defendant's ability to understand the proceedings presently pending against him and to properly assist in his own defense. On July 31, 2013, the Court ordered that defendant undergo a psychiatric examination.

Defendant Yokum was examined at the Federal Detention Center in SeaTac, Washington. On October 2, 2013, a Forensic Evaluation was filed with the Court. The Forensic Evaluation was prepared by Ryan Nybo, Psy.D., Forensic Unit Psychologist, and reviewed by Katherine

Skillestad Winans, Ph.D., Chief Psychologist. The evaluation concluded:

Overall, Mr. Yokum demonstrated an average ability to understand the nature and consequences of the court proceedings against him, and an average ability to properly assist counsel in his defense. From the available information, there is no evidence to indicate the defendant suffers from a mental disorder that would substantially impair his present ability to understand the nature and consequences of the court proceedings brought against him, or substantially impair his ability to assist counsel in his defense.

(Doc #26 at 12)

On October 30, 2013, a hearing was held before the undersigned with respect to defendant's competency to stand trial. The parties stipulated to the Forensic Evaluation prepared by Dr. Nybo. No other evidence was offered on the issue of defendant's competency to stand trial.

The only evidence before the Court on the issue of defendant's competency is the Forensic Evaluation (doc #26) filed on October 2, 2013. As set forth above, Dr. Nybo found that "[f]rom the available information, there is no evidence to indicate the defendant suffers from a mental disorder that would substantially impair his present ability to understand the nature and consequences of the court proceedings brought against him, or substantially impair his ability to assist counsel in his defense." (Doc #26 at 12)

Based upon the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant James A. Yokum is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense.

Counsel are reminded they have fourteen days from the date of this Report and

Recommendation within which to file and serve objections. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE